

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ELIJAH WEATHERSBY,

Plaintiff,

v.

No.9:05-CV-0144
(FJS/DEP)

WARREN BARKLEY, Superintendent,
et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

ELIJAH WEATHERSBY, *pro se*

FOR DEFENDANTS:

HON. ANDREW M. CUOMO
Office of Attorney General
615 Erie Blvd. west, Suite 102
Syracuse, NY 13204

MARIA MORAN, ESQ.

FREDERICK J. SCULLIN, JR., S.J.:

ORDER

Presently before the Court is Magistrate Judge David E. Peebles' Report-Recommendation filed on March 1, 2007 in which he recommends that defendants' motion for summary judgment be granted and that plaintiff's complaint be dismissed in its entirety. The Court having reviewed the Report-Recommendation and the entire file in this matter, and no

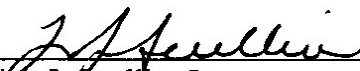
objections to said Report-Recommendation have been filed even though, as per the direction of Senior Judge Frederick J. Scullin on March 20, 2007, granted a 30-day extension to April 15, 2007 in which plaintiff could respond, it is

ORDERED, that defendants' motion for summary judgement is **GRANTED** and that plaintiff's complaint is **DISMISSED** in its entirety, and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of the Defendants and close this case.

IT IS SO ORDERED.

DATED: April 24, 2007
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge